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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ x Docket No.: 14-CV-03926-JG-RER

OSWALDO QUITO and LUIS QUITO GONSALES
On behalf of themselves and all others similarly situated,

ANSWER

Plaintiffs,

-against-

KUO YANG DESIGN & CONSTRUCTION, INC.
d/b/a Shin Yang Construction, SHIMI ZHENG and
LI ZHENG,

Defendants.

_____ x

Defendant, **KUO YANG DESIGN & CONSTRUCTION, INC.** by **Meng Cheng, Esq.**,
its attorneys, in answering the Complaint, respectfully alleges:

1. Denies each and every allegation contained in paragraph marked “1”, “2”, “6”, “7”, “8”, “11”, “12”, “13”, “16”, “17”, “20”, “21(a)”, “21(b)”, “21(c)”, “21(d)”, “21(e)”, “21(f)”, “23”, “28”, “29”, “30”, “31”, “32”, “33”, “34”, “35”, “36”, “37” of the Complaint.
2. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs marked “3”, “4”, “9”, “10”, “14”, “15”, “18”, “19”, “22”, “24”, “25” and “26” of the Complaint.

3. Denies each and every allegation contained in paragraph marked “5” of the Complaint, except that defendant, KUO YANG DESIGN & CONSTRUCTION, INC. is a corporation organized and established under the laws of the State of New York.

4. Denies knowledge or information sufficient to form a belief as each and every allegation contained in paragraphs marked “27” of the Complaint and begs leave to refer to any documents for all of the terms, covenants, conditions and legal effects thereof.

ANSWERING THE FIRST ALLEGED CAUSE OF ACTION

5. Answering the allegation contained in paragraph marked “38” of the Complaint, the defendant repeats, reiterates and realleges each and every admission, denial, or allegation heretofore had herein with the same force and effect as if fully set forth herein at length.

6. Denies each and every allegation contained in paragraphs marked “39”, “40”, “41”, “42”, “43” and “44” of the Complaint.

ANSWERING THE SECOND ALLEGED CAUSE OF ACTION

7. Answering the allegation contained in paragraph marked “45” of the Complaint, the defendant repeats, reiterates and realleges each and every admission, denial, or allegation heretofore had herein with the same force and effect as if fully set forth herein at length.

8. Denies each and every allegation contained in paragraph marked “46”, “47”, “48”, “49” and “50” of the Complaint.

ANSWERING THE THIRD ALLEGED CLAIM FOR RELIEF

9. Answering the allegation contained in paragraph marked “51” of the Complaint, the defendant repeats, reiterates and realleges each and every admission, denial, or allegation heretofore had herein with the same force and effect as if fully set forth herein at length.

10. Denies knowledge each and every allegation contained in paragraph marked “52”, “53” and “54” of the Complaint.

**AS AND FOR A FIRST SEPARATE AND
COMPLETE AFFIRMATIVE DEFENSE**

11. Service of process was not lawfully made upon the defendant herein and by reason thereof the Court lacks jurisdiction over the person of the answering defendant herein.

**AS AND FOR A SECOND SEPARATE AND
COMPLETE AFFIRMATIVE DEFENSE**

12. That the jurisdictional requirement for this district court has not met.

13. That by reason of the foregoing, the plaintiffs cannot maintain the action herein.

**AS AND FOR A THIRD SEPARATE AND
COMPLETE AFFIRMATIVE DEFENSE**

14. That the plaintiffs herein failed to state a cause of action upon which relief may be granted and by reason of the foregoing, this action must be dismissed.

**AS AND FOR A FOURTH SEPARATE AND
COMPLETE AFFIRMATIVE DEFENSE**

15. That the plaintiffs are not employees of the answering defendant herein and therefore lack of privity.

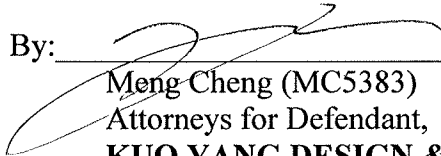
14. By reason of the foregoing, the plaintiffs are not entitled to recover from the defendants.

**AS AND FOR A FIFTH SEPARATE AND
COMPLETE AFFIRMATIVE DEFENSE**

15. That the Complaint does not set forth sufficient facts to allow the defendant to determine all potential affirmative defenses, accordingly, the defendant reserves its right to assert or withdraw additional defenses once such information is ascertained through discovery.

WHEREFORE, the defendant, **KUO YANG DESIGN & CONSTRUCTION, INC.**, demands judgment dismissing the Complaint as against it together with the costs and disbursements of this action.

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By: 
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